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First National Bank Alaska*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KRISTER EVERTSON,

Plaintiff,

vs.

LILLIAN ERIKSSON SIBLEY f/k/a
LILLIAN KARIN ERIKSSON-
HEBDON, LILLIAN K. HEBDON,
LILLIAN KARIN ERIKSSON, AND
LILLIAN K. HEBDON LIVING TRUST,

Defendants.

Case No. 3:20-cv-00238-JMK

**FIRST NATIONAL BANK ALASKA'S MOTION TO
INTERVENE AS DEFENDANT**

Pursuant to Federal Rule of Civil Procedure 24(a)(2), First National Bank Alaska (FNBA) seeks to intervene as a defendant in this action. Intervention is both necessary and appropriate under Federal Rule of Civil Procedure 24(a)(2) and 28 U.S.C. § 1367.

FNBA holds a deed of trust secured by the real property that is the subject of this action. That real property is located at 1640 N. Centurian Place, Wasilla, Alaska 99654, and described as Lot 16, Block 3, Adventure Estates, Plat No. 76-50, located in the Palmer Recording District, Third Judicial District, State of Alaska (the “Wasilla Duplex”).

FNBA seeks intervention as of right because it has an interest in the Wasilla Duplex, it is so situated that disposing of the action may impair or impede FNBA’s ability to protect that interest, and there are no existing parties that adequately represent FNBA’s interest.

This lawsuit is Mr. Evertson’s third attempt to attack FNBA’s interest in the Wasilla Duplex. Previously, in 2018 and 2020, respectively, Mr. Evertson filed two lawsuits in state Superior Court challenging Ms. Sibley’s ownership of and FNBA’s interest in the Wasilla Duplex. Each lawsuit was also accompanied by a separate *lis pendens* recorded by Mr. Evertson against the Wasilla Duplex.

In both instances, the Superior Court resolved the lawsuits in favor of FNBA and expunged the *lis pendens*. Mr. Evertson appealed the outcome of the 2018 lawsuit to the Alaska Supreme Court; that appeal is currently stayed pending the outcome of settlement negotiations between Mr. Evertson and FNBA.

In the instant case, Mr. Everston claims that a 2008 quit claim deed transferring the property to Ms. Sibley was obtained by fraudulent means. He asks the Court to declare that 2008 quit claim deed void *ab initio* with the apparent belief that if the 2008 deed is invalidated, all subsequent transactions predicated upon the

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validity of that deed – including FNBA’s 2010 deed of trust – will also be rendered invalid.

While Mr. Evertson and FNBA are both citizens of Alaska, the Court has supplemental jurisdiction over FNBA’s claims because they arise from the same common nucleus of operative facts as Mr. Evertson’s claims against Ms. Sibley and FNBA is not an indispensable party to those claims.

This motion is supported by the accompanying memorandum and exhibits and the attached proposed Motion to Dismiss.

DATED March 23, 2021

LANDYE BENNETT BLUMSTEIN LLP
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Certificate of Service

I hereby certify that on March 23, 2021, I filed a true and correct copy of the foregoing document with the Clerk of Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in Case No. 3:20-cv-00238-JMK who are registered CM/ECF users will be served by the CM/ECF system all others listed below will be served by U.S. mail.

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